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Notice of Allowability

Application No.

09/925,934

Examiner

Fenn C. Mathew

Applicant(s)

PATTERSON, PAUL

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/25/2005.
2. ☒ The allowed claim(s) is/are 2-12 and 24-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

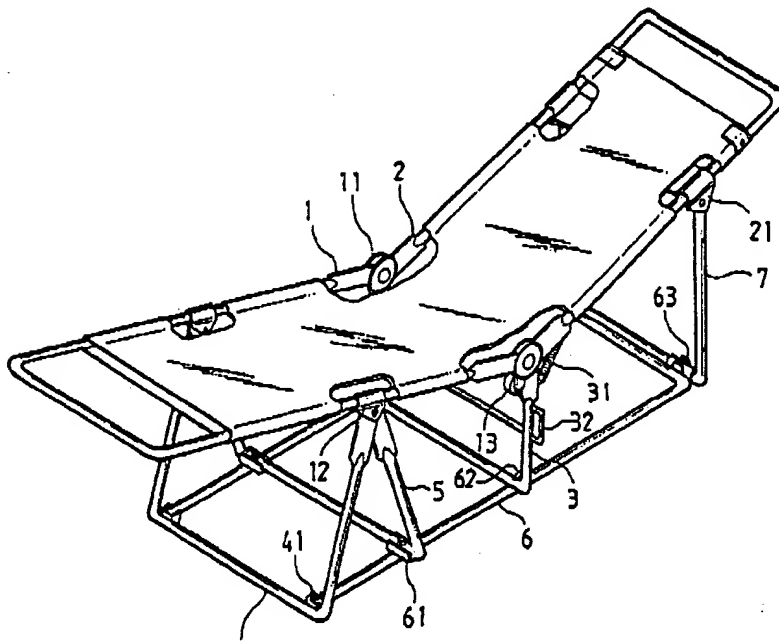
- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

This action is responsive to the after-final amendment filed on 08/25/2005. As directed by the Applicant, amendments to the claims will be entered.

Allowable Subject Matter

1. Claims 2-12 and 24-38 are allowed. The following is an examiner's statement of reasons for allowance: Lin (U.S. 5,902,220)

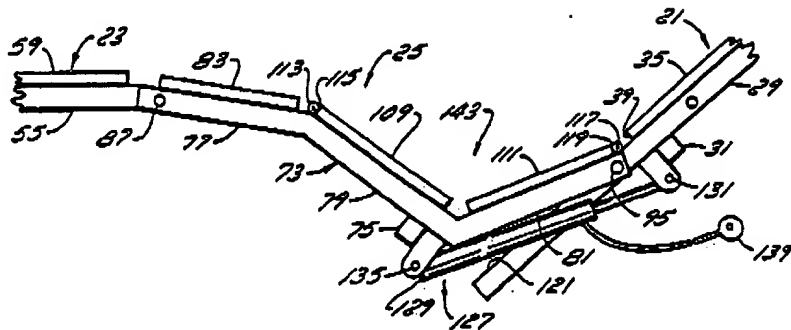


teaches a device including

a base member, a first platform for supporting, and a second platform for supporting wherein the platforms are supported by the base member, and wherein the first platform is at a higher elevation than the second platform. Lin fails to teach or make obvious, a support as disclosed, and further including a multi-planar rowing machine including a rail member.

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2. Kruyt (U.S. 4,996,731)

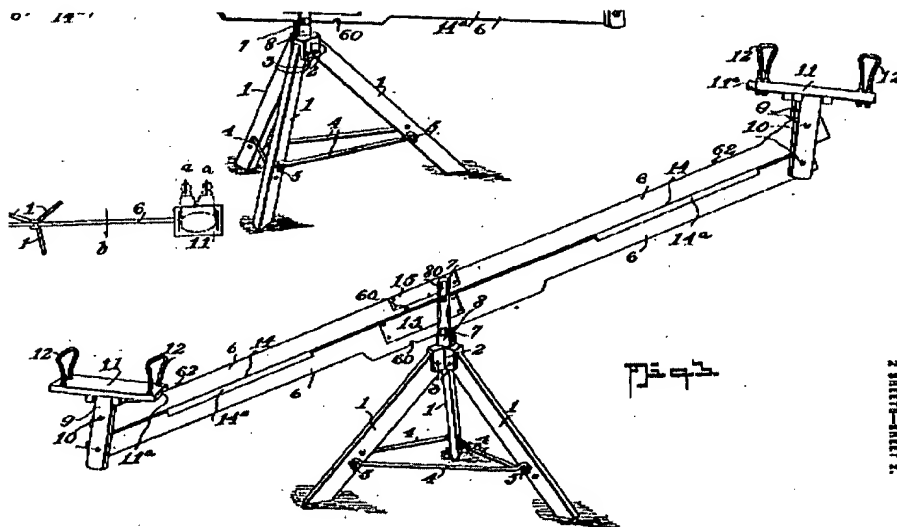


also teaches an

adjustable support including a base member, a first platform for supporting, and a second platform for supporting wherein the platforms are supported by the base member, and wherein the first platform is at a higher elevation than the second platform.

Kruyt fails to teach or make obvious, a support as disclosed, and further including a multi-planar rowing machine including a rail member.

3. Winchal (U.S. 1,398,166)



teaches a base

member, a first platform for supporting, and a second platform for supporting wherein

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structure comprises a base member, a first platform configured for supporting a first selected portion of the rowing machine, with the platform coupled to the base member and movable between a first position in which the first platform is generally level with the base member and the rail member is generally parallel to the surface and a second position in which the first platform is elevated relative to the base member and the rail member is either an inclined plane or a declined plane relative to the surface. The prior art of record further fails to teach specifics of the support structure including a base member, a first platform coupled to the base member, and a second platform coupled to the base member and a support lever having a juncture thereby forming an obtuse angle with the support lever having a first portion attached to the first platform, and a second portion attached to the second platform.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

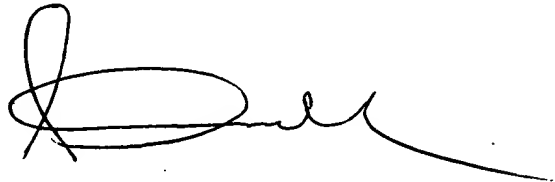
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fc
fcm

September 4, 2005.

JEROME W. DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome W. Donnelly', written over a horizontal line.